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BOLLES & CO. | E. M. 1881. For cale by M. BOLLES & CO. | office.

Loss of the Engenia M. Briggs - Defendant's Exceptions.

In the Supreme Court of the Hawaiian Islands. James Magnire, Trastse, vs. The Union Fire and Marine Insurance Company of New Zealand. April term, 1881.

Be it remembered that on the 21st day of April of this present term this cause came on for trial and was tried before the Hou. Lawrence McCully, presiding Justice, and a foreign jury, when after evidence had been adduced on both sides, notes whereof are herounto annexed and made a part hereof, and after counsel had addressed the jury, the presiding Judge instructed the jury that they would find a verdict for the defendant unless the evidence satisfied them that the vessel was a total loss on or before midnight of June 8th, 1880; that the question of total loss or not was one of fact for tas jury to find on the evidence; that a vessel was a total loss when she was no longer of use for the purposes of a vessel, but that "total lows" did not necessarily require "destruction" of the vessel.

The jury found a verdict for the administration of the vessel.

sel.

The jury found a verlict for the plaintiff, to which defendant's counsel excepted as bring against the law and the evidence, and on the 25th day of April moved the Court that the said vordict be set aside and a new trial had on the aforesaid grounds, which motion was overreaded by the sand presiding Judge.

To which ruling the defendant excepted, and such exceptions being reduced to writing and found conformable to the truth, are hereby certified and allowed.

Dated this 35th day of April, 1881.

[Signed] Lawarnoz McCuller, Presiding Justice of Term.

Presiding Justice of Term.

EVIDENCE.

Kamahai, one of the erew of the Eagenia Briggs:
Left vessel because she was full of water. Could
not pump her out. It cams in faster than we could
do so. Pumped from Saturday v. M. to Sunday
v. M.—ull night. Bows down and she was settling
forward. Lokel down forecastle. Saw she was
full; all full. We left because it was dangerous to
remain on board.

Cross-examined: She was about half-full. At
50 clock took our own things ashore. Came back
and waited for captain. Pamped again. Left
finally after dark. She was anchored fast. We
slept at landing. Musts and rigging all right.
Sulls furled. Went aboard Monday morning early.
Vessel was still affort, but the decked of lumber
had floated away. She was loaded for Hilo and
Honokaa; some freight for Oakala. Machinery
and goneral marchandise; iron wire, railroad iron,
and machinery. This was principal part of freight.
She was full of water when we returned on Monday morning. Left anchor and moored to buoy.
We unslacked cable and cut her loose from buoy
and let her drift ashore to save freight. Went to
pieces soon after she went ashore.

Keliikalaea, another of the crew, gave evidence
to the same effect.

Ferrier, mate of the vessel: On arriving at
Huelo wind was blowing on shore from N.E. and
N. Shifting on the Thesday, blew so hard we
could not land. Most water came in on Friday.
Kept pumping. Water kept gaining until evening
of Sunday. Crew refused to stand by, as the vessel was sinking. Captain did not want to leave.
Asked crew to stay as long as they could. Captain
refused to go on shore before dark. Vessel sinking
and water gaining; four or five feet of water in
her I and captain went ashore in last boat. She
was opening fore and aft. Balk-heads opening
and shatting. Beams all working from Friday
morning; worked athwart ship. Had got the coal
out; put all lumber below that we could to ballast
and get load off deek. Stanohons all working
every time she rolled. Thought we were justified.
Ship good for nothing when we left on S

to drift on shore; about ten minutes. Masts were standing.

Be-examined: Could not have got her off. Had discharged her Haelo cargo. Did not know if she was insured. We were delayed by calms.

Daniel Foster: Have lived numbran years in Honolula. Am a ship carpontor, and owner of coasting vessels. Used to inspect vessels. Have heard evidence of previous witnesses. In my opinion they were perfectly justified in abandoning her on Sanday evening. The was not worth much more on Sanday evening. The was not worth much more on Sanday evening. Should call her a wrecked vessel that Sanday evening.

Cross-cramined: She was not a total loss as long as anything was in sight. Think I would have cut her addift to go ashore for benefit of all concerned.

erred.

Re-examined: I do not regard the vessel as of any use for the purposes of a vessel after Senday evening if the evidence I have heard is true. If there had been no cargo it would have been for the benefit of the ship to beach her, for she was worth more on the beach than in the condition

worth more on the beach than in the condition she was.

Captain Jackson: Retired commander Royal Navy. Heard the svidence of Ferrier. Should call her a wrecked vessel. Derelict on Sauday evening. A proper case for abundonment. Cross-examined: Equally derelict on Monday morning, and proper to be abandoned. Plaintiff rests.

The defendant's counsel put in and read the protest and rested.

Wasted Efforts to be Funny.

Take, as a very simple illustration, the case of the young man who had been offered a saucer of delicately salted ice cream by two young ladies, who waited in convulsive glee for the first grimace and its attendant remarks. a gesture or word betrayed he had noticed it at all. Still talking lightly of last night's german and to-morrow's tennis, he finished at all. Still talking lightly of last night's german and to-morrow's tennis, he finished the entire sancerful, then, bowing slightly, left the room. Was ever "fun" more delicately spoiled? Take again the case of a certain college professor, who had almost abolished practical joking on the faculty, not by punishing, but by foiling the intended fun of the students. Informed one night that the students were painting the walls of the chapel, "very well," he said quietly, "let them paint: but tell me when they are through." Dressing hastily, he went about the town, rousing every painter in the place, and as the last student went out of the chapel a dozen artisans went in. Next morning when there was an unusually large attendance at prayers, behold the calcinined walls as fair as ever! The dignity of the college had not been allowed to be insulted, yet never a student was ever questioned, biamed, marked or expelled. In the same manner, when the tongue of the bell had been removed one night, another was in its place before dawn, and the astonished students were summoned to their devotions at the naual hour. Again, when the wheel of the organ disappeared and the organist had been secretly informed that his services would not be required the next day, one of the very delinquents was called upon to organist had been secretly informed that his services would not be required the next day, one of the very delinquents was called upon to take his place, finding, to his chagrin, that the keys responded dutifully to his touch. If it is the "stient organ" that "loudest chants the master's requiem," in this case it was certainly the organ's music that chanted loudest the humiliation of the guilty. No wonder that the students at that institution have about decided that what may be called hazing the professors does not pay. Said the boys at professors does not pay. Said the boys at Rugby: "There's no fun in telling Arnold a lie, for he always believes us!"

## Steel knives may be saved from rusting by being rubbed with mutten tallow, wrapped in paper, and put into a baize-lined chest.

REVIVING KID GLOVES. - To revive old kid

gloves, make a thick muchage by boiling a handful of flaxseed; add a title dissolved soap; then, when the mixture cools, with a piece of white flaunel wipe the gloves, previously fitted to the hand; use only enough to the add the dist without wetting through the take off the dirt without wetting through the Spanish Stomachic and Cordial.—The well-known fragrant garden favorite, the sweef scented or temos verticus, seems to have other qualities than those of branty and odor, for which it is usually cultivated. The author of a recent work, "Among the Spanish People," describes it as being systematically gathered in Spain, where it is regarded as a fine stomachic and cordial. It is either used

in the form of a cold decection, sweetened, or five or six leaves are put into a teacep and hot tea poured upon them. The author says that not only is the flavor delicious, but that if it be used one need never suffer from flatulence, hervousness, diarrhoa or loss of appe-

tite.

How to Parvent Glass from Cracking.

—A Leipsic journal, which makes a speciality of matters relating to gloss, gives a method which it asserts will prevent lamp chimneys from cracking. The treatment will not only render lamp chimneys, tumblers, and like articles more durable, but may be applied with advantage to crockery, stoneware porcelain, etc. The chimneys, tumblers; etc., are put into a pot filled with cold water, to which some common sait has been added. The water is well boiled over a fire, and then allowed to cool slowly. When the articles are taken out and washed, they will be found to resist afterward any sudden changes of temperature. The process is simply one of annealing, and the slower the cooling part of it is conducted the more effective will be the work.

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HALL FURROW PLOWS. OR PALILUAS.

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These Plows are acknowledged by all who have used them to be stronger and better than any other kinds in the market. We have also a full assort-ment of Plow Handles. Agricultural Implements

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